

Vorys, Sater, Seymour and Pease LLP

Honorable Carol Elder Bruce
June 5, 2000
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casinos. Mr. Dacey further explained that one of the tribes involved in the Hudson proposal was headed by a tribal leader who had previously been a candidate for the state senate as a Republican and that this political connection between Governor Thompson and the tribal leader could play a role in the Governor's decision-making process. At the end of their discussion, Mr. Dacey recalls Senator Feingold telling him that he would quietly, or confidentially, contact Interior Secretary Babbitt about the issue. At no time in the conversation, to the best of Mr. Dacey's recollection, did Senator Feingold ever cut him off, or suggest in any way that he (Senator Feingold) thought it inappropriate to have an ex parte telephone conversation with Secretary Babbitt.

Mr. Dacey recalls contacting Senator Feingold's staffer, Mary Frances Repko, the following day to let her know of his discussion with the Senator. He recalls Ms. Repko's being unaware of the discussion, and of Senator Feingold's intent to contact Secretary Babbitt or his office. Contrary to Ms. Repko's recollection contained in footnote 194 on page 122 of your Report, that conversation took place on approximately May 17, 1995; and certainly prior to the dinner on May 23, 1995.

We believe the Office of Independent Council has in its possession correspondence written by Mr. Dacey to the Oneida Business Committee on May 25, which further corroborates Mr. Dacey's recollection that he did not attend the event on May 23, 1995. Indeed, Mr. Dacey's memo of June 28, 1995 summarizing a meeting he had with Ms. Repko on or about June 21, further demonstrates that Mr. Dacey was still of the belief at that time that Senator Feingold intended to informally contact the Department of Interior. It was not until then that he was informed that Senator Feingold's senior staff had counseled the Senator to develop a public position on this issue rather than attempt to move "behind the scenes". Mr. Dacey recalls being told at that meeting that the Senator agreed with the advice of his staff and was still making up his mind. This was the first, and only time that Mr. Dacey was made aware of the Senator's change in approach on this matter.

We trust that this letter, together with attachments, will at a minimum be included in the Appendix to the Final Report. Hopefully, you will revise the text to reflect Mr. Dacey's contrary recollection to the Senator and his staff.